

Serial No. 09/891,696
Amdt. dated July 19, 2005
Reply to Office Action of April 19, 2005

Attorney Docket No. PN01032AA

REMARKS/ARGUMENTS

Claims 1, 11, 35, 36, 38 through 40 and 42 remain in this application. Claims 12, 13, 24, 25, 27 through 29 and 34 have been canceled without prejudice or disclaimer. In addition, claims 1, 11, 35, 38 and 39 have been amended.

Claims 1, 11, 35, 36, 38 through 40 and 42 are rejected under 35 U.S.C. §102(b) as being anticipated by U.S. Patent No. 6,026,375 to Hall, et al. ("Hall, et al. patent").

Claim 1 as amended provides, *inter alia*, formulating a response concerning the order and the reply in which the response is formulated based on capabilities of the device. Examples are provided at page 5, line 30, through page 6, line 10, of the specification. In contrast, the Hall, et al. patent describes devices having wireless and Internet capabilities, but does not describe or suggest formulating a response based on one or more of these capabilities, as required by amended claim 1. Therefore, claim 1 as amended distinguishes patentably from the Hall, et al. patent.

Claim 35 as amended provides, *inter alia*, selecting a store associated with a provider of the goods or services based on an address associated with the user. In contrast, the Hall, et al. patent describes a Mobile Location Determination System (MLDS), such as a GPS, that determines a customer's geographic location. Location determining systems, such as GPS, determine location coordinates and do not determine addresses or ZIP codes. The Hall, et al. patent does not describe or suggest selecting a store based on any type of address, let alone an

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address associated with the user, as required by amended claim 35. Therefore, claim 35 as amended distinguishes patentably from the Hall, et al. patent.

Claims 11, 36, 38 through 40 and 42 depend from and include all limitations of independent claims 1 and 35 as amended. Therefore, claims 11, 36, 38 through 40 and 42 distinguish patentably from the Hall, et al. patent for the reasons stated above for claims 1 and 35.

In view of the above, reconsideration and withdrawal of the 35 U.S.C. §102(b) rejection of claims 1, 11, 35, 36, 38 through 40 and 42 are respectfully requested.

CONCLUSION

No amendment made was related to the statutory requirements of patentability unless expressly stated herein. Also, no amendment made was for the purpose of narrowing the scope of any claim, unless Applicants have argued herein that such amendment was made to distinguish over a particular reference or combination of references.

The Commissioner is hereby authorized to deduct any additional fees arising as a result of this response, including any fees for Extensions of Time, or any other communication from or to credit any overpayments to Deposit Account No. 50-2117.

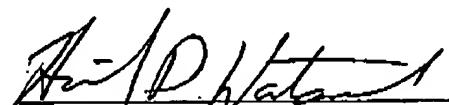
It is submitted that the claims clearly define the invention, are supported by the specification and drawings, and are in a condition for allowance. Applicants respectfully request that a timely Notice of Allowance be issued in this case. Should the Examiner have any

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questions or concerns that may expedite prosecution of the present application, the Examiner is encouraged to telephone the undersigned.

Respectfully submitted,
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 07/19/05
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